


DOCKET NO.: C1039.70020US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.
Serial No.: 09/337,584
Confirmation No.: 9169
Filed: June 21, 1999
For: IMMUNOSTIMULATORY NUCLEIC ACID
MOLECULES
Examiner: Nita M. Minnifield
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 13th day of May, 2010.


Sara J. L. Douglas

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

05/18/2010 EFLORES 00000021 09337584

01 FC:1806

180.00 OP

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
12/600,364	11-16-2009	Uhlmann et al.	*C1037.70068US01
12/600,368	11-16-2009	Uhlmann et al.	*C1041.70054US01

*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the following other information:

Office Communication mailed 08/17/2007 for Application No. 10/921,086 (C1039.70020US01)
 Notice of Allowance mailed 06/03/2008 for Application No. 10/921,086 (C1039.70020US01)
 Office Communication mailed 10/07/2005 for Application No. 10/817,165 (C1039.70048US02)
 Office Communication mailed 06/02/2006 for Application No. 10/817,165 (C1039.70048US02)
 Office Communication mailed 12/28/2006 for Application No. 10/817,165 (C1039.70048US02)
 Office Communication mailed 07/27/2007 for Application No. 10/817,165 (C1039.70048US02)
 Notice of Allowance mailed 07/10/2008 for Application No. 10/817,165 (C1039.70048US02)
 Office Communication mailed 04/20/2007 for Application No. 10/847,642 (C1039.70048US04)
 Office Communication mailed 04/21/2008 for Application No. 10/847,642 (C1039.70048US04)
 Notice of Allowance mailed 06/12/2009 for Application No. 10/847,642 (C1039.70048US04)
 Office Communication mailed 11/14/2007 for Application No. 10/894,657 (C1039.70048US09)
 Office Communication mailed 09/25/2008 for Application No. 10/894,657 (C1039.70048US09)
 Office Communication mailed 07/06/2005 for Application No. 10/743,625 (C1039.70073US00)
 Office Communication mailed 04/24/2006 for Application No. 10/743,625 (C1039.70073US00)
 Office Communication mailed 12/05/2006 for Application No. 10/743,625 (C1039.70073US00)
 Office Communication mailed 07/13/2007 for Application No. 10/743,625 (C1039.70073US00)
 Office Communication mailed 04/16/2009 for Application No. 10/743,625 (C1039.70073US00)
 Office Communication mailed 11/20/2009 for Application No. 10/743,625 (C1039.70073US00)

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:



Helen C. Lockhart, Ph.D., Reg. No. 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1039.70020US01
Date: May 12, 2010
xNDDx